

shouted anti-gay slurs at him and demanded to know if he was gay. The incident is being investigated as a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT

Mr. ENSIGN. Mr. President, I rise to reintroduce the Animal Fighting Prohibition Enforcement Act, legislation that garnered the support of 51 Senate cosponsors and 201 House cosponsors in the 108th Congress but didn't quite make it over the finish line. I thank my colleagues for their support in this endeavor to protect the welfare of animals and express my hope that we will get the job done early in this session. This legislation targets the troubling, widespread, and often underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals' handlers and spectators.

These activities are reprehensible and despicable. Our States' laws reflect this sentiment. All 50 States have prohibited dogfighting. It is considered a felony in 48 States. Cockfighting is illegal in 48 States, and it is a felony in 31 States. In my home State of Nevada, both dogfighting and cockfighting are considered felonies. In fact, it is a felony to even attend a dogfighting or cockfighting match.

Unfortunately, in spite of public opposition to extreme animal suffering, these animal fighting industries thrive. There are 11 underground dogfighting publications and several above-ground cockfighting magazines. These national magazines advertise and sell animals and the materials associated with animal fighting. They also seek to legitimize this shocking practice.

During the consideration of the farm bill in 2001, a provision was included that closed loopholes in the Federal animal fighting law. Both the House and the Senate also increased the maximum jail time for individuals who violate this law from 1 year to 2 years, making any violation a Federal felony. However, during the conference, the jail time increase was removed.

Then in 2003, I offered an amendment to the Healthy Forests bill that would have had the same effect as the bill I am introducing today. The Senate agreed to this amendment by unanimous consent, but it was again taken out in conference.

Now, I am hoping the third time is the charm. In the form that is being introduced today, this legislation passed the House Judiciary Committee in Sep-

tember 2004. It is ripe for enactment early in the 109th Congress. This legislation has been endorsed by the USDA, the American Veterinary Medical Association, more than 150 State and local police and sheriffs departments across the country, and a host of others. The only groups opposing it are the cockfighters and the dogfighters.

The bill seeks to do two things. First, it increases the penalty to the felony level—up to 2 years jail time for offenders. I am informed by U.S. attorneys that they are hesitant to pursue animal fighting cases with merely a misdemeanor penalty. The USDA has received innumerable tips from informants and requests to assist with State and local prosecutions but has only been able to help in a handful of cases since Congress first passed the Federal animal fighting law in 1976. For example, in my own State last year, law enforcement authorities raided an ongoing cockfight involving about 200 people from Nevada and other States. The USDA wanted to pursue Federal charges, to complement the local effort, but the U.S. Attorney's Office declined to prosecute because the Federal crime was only a misdemeanor. Increased penalties will provide a greater incentive for Federal authorities to pursue animal fighting cases.

Second, the bill prohibits the interstate shipment of cockfighting implements, such as razor-sharp knives and gaffs. The specific knives are commonly known as "slashers." The slashers and icepick-like gaffs are attached to the legs of birds to make the cockfights more violent and to induce bleeding of the animals. These weapons are used only in cockfights. Since Congress has restricted shipment of birds for fighting, it should also restrict implements designed specifically for fights.

This is commonsense, long-overdue legislation. It does not expand the Federal Government's reach into a new area but simply aims to make current law more effective. It is explicitly limited to interstate and foreign commerce, so it protects States rights in the two States, Louisiana and New Mexico, where cockfighting is still allowed. Further, it protects States rights in the other 48 States where weak Federal law is compromising their ability to keep animal fighting outside their borders.

Mr. President, this legislation is needed for humane reasons. But it is also urgently needed to protect poultry health and public health. In 2002 to 2003, we had an outbreak of exotic Newcastle disease among poultry in my home State of Nevada, as well as in California, Arizona, and Texas. According to the USDA, this deadly disease was spread in large part by illegal cockfighters. It cost taxpayers about \$200 million to contain and cost the poultry industry many millions more in lost export markets. In Asia, at least four children died last year due to exposure to bird flu from cockfighting

activity, according to news reports. One Malaysian news agency noted that surveys by the "Veterinary Department show that irresponsible cockfighting enthusiasts are the main 'culprits' for bringing the avian influenza virus into the state." Fortunately, bird flu has not yet jumped the species barrier in this country, but we ought to do all we can to minimize the risk. One of the ways to ensure greater protection against the spread of these dangerous avian diseases is to enforce the ban on interstate and foreign shipment of birds for the purpose of fighting. Our bill ensures that penalties are in place to encourage meaningful enforcement of this ban.

I appreciate the strong support of Senators SPECTER, CANTWELL, FEINSTEIN, DEWINE, KENNEDY, KYL, KOHL, LUGAR, VITTER, LEAHY, and SANTORUM in this effort and look forward to the overwhelming support of my other colleagues in the Senate. I also wish to recognize Representative MARK GREEN for his leadership in reintroducing an identical bill in the House today. Surely, this is an issue that must be addressed as soon as possible. We cannot allow this barbaric practice to continue in our civilized society.

REDUCING CRIME AT AMERICA'S SEAPORTS ACT OF 2005

Mrs. FEINSTEIN. Mr. President, yesterday I introduced legislation to improve our Nation's ability to use the criminal law to guard against and respond to terrorist attacks at our seaports—the Reducing Crime at America's Seaports Act of 2005.

I am pleased to join my colleagues Senators BIDEN, SPECTER, KYL, and ALLEN, who have co-sponsored this bill, in moving forward with this initiative.

The Nation's seaports are a tremendous asset to our economy. They also represent a significant vulnerability to a possible terrorist attack.

Much of our national commerce travels through these ports. Ninety percent of all cargo tonnage moves through the 50 biggest ports. Just 25 of those ports account for 98 percent of the Nation's container traffic—two of the largest such ports, Oakland and Los Angeles/Long Beach, are in my home State of California.

A modern port, which handles huge ships laden with thousands of containers, and vast amounts of critical bulk cargo, is complex and sprawling. It is also extremely vulnerable to a terrorist attack.

The very complexity and size of our ports make them an obvious and attractive target for a terrorist. With hundreds of miles of wharves and piers, a vast volume of boat, truck and car traffic, lengthy perimeters, ports can be the perfect target.

Not only are they vulnerable to attack, the consequences of even a small attack could be overwhelming. Commerce would be devastated, not only at

and around the port, but all around the Nation, because the goods moving through ports are the lifeblood of industry and commerce throughout the Nation. The human cost would also be terrible, because ports not only employ thousands of workers; they are without exception located near large metropolitan population centers.

My concern is not just theoretical. The available intelligence analysis supports the conclusion that seaports are a critical vulnerability. Our terrorist enemies are well aware of the vulnerability of these ports, and are well equipped to do terrible damage.

This problem is heightened by two critical factors: the first is the growing importance of containers in maritime commerce. Since their introduction in the late 1960s, container traffic has grown. It now accounts for 66 percent of dollar value of all U.S. maritime traffic. In some ports, such as Los Angeles/Long Beach, it constitutes most of the trade. The problem with containers is that they are, by definition, a potential delivery device for a terrorist weapon. Whether conventional explosives, biological agents, or a nuclear device, such as a so-called "dirty bomb," containers complicate the problem of securing our ports. The second factor is the increasing possibility that terrorists have, or will soon acquire, the ability to mount unconventional attacks, such as nuclear, radiological or biological attacks. In such a case our ports provide both a method for bringing such things into the country for an attack inland, and can be the target itself.

There is a lot to do to secure our ports. Some of it requires long term investment in capital improvements. But we can accomplish much simply by fine-tuning the tools we already have. Among those tools is the criminal law. These laws are vital to those on the front line—the Coast Guard, the FBI, Customs Agents, and the State, local and private authorities who protect our ports every day.

This bill will improve the criminal law applicable to ports in the following ways: it would clarify that the law prohibiting fraudulent access to transport facilities includes seaports and waterfronts within its scope, as well as increase the maximum term of imprisonment for a violation from 5 years to 10 years. According to the Report of the Interagency Commission on Crime and Security at U.S. Seaports: "[c]ontrol of access to the seaport or sensitive areas within the seaports is often lacking." Such unauthorized access is especially problematic, since inappropriate controls may result in the theft of cargo and, more dangerously, undetected admission of terrorists.

It would amend the U.S. Code to make it a crime: One, for a vessel operator knowingly to fail to slow or stop a ship once ordered to do so by a Federal law enforcement officer, including the Coast Guard; two, for any person on board a vessel to impede boarding or

other law enforcement action authorized by federal law; or three, for any person on board a vessel to provide false information to a federal law enforcement officer. Any violation of this section would be punishable by a fine and/or imprisonment for a maximum term of 5 years. A core function of the Coast Guard is law enforcement at sea, especially in the aftermath of the tragic events of September 11. While the Coast Guard has authority to use whatever force is reasonably necessary to force a vessel to stop or be boarded, "refusal to stop," by itself, is not currently a crime.

It creates a new criminal provision to make it a crime to willfully use a dangerous weapon, including chemical, biological, radiological or nuclear materials, or explosive, with intent to cause death or serious bodily injury to any person on board a passenger vessel. Any violation of this section, including attempts and conspiracies, would be punishable by a fine and/or imprisonment for a maximum term of 20 years and, if death results, for a term of imprisonment up to life. This section would close a potential gap in existing law by making it clear that "passenger vessels" like cruise ships are included within the scope of transportation vehicles covered by the provision.

The bill would amend existing law which covers violence against maritime navigation to make it a crime to intentionally damage or tamper with any maritime navigational aid maintained by the Coast Guard or under its authority, if such act endangers the safe navigation of a ship. The Coast Guard maintains over 50,000 navigational aids on more than 25,000 miles of waterways. These aids, which are relied upon by all commercial, military and recreational mariners, are essential for safe navigation and are, therefore, inviting targets for terrorists.

The bill would make it a crime to: One, knowingly place in waters any device or substance which is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce; or two, knowingly discharge a hazardous substance into U.S. waters, with the intent to endanger human life or welfare. Any violation of these provisions would be punishable by a fine and/or a term of imprisonment up to life; if death results, the offense could be punishable by a sentence of death. This addresses the vulnerability of our shorelines and ports to such a terrorist attack the results could be economically and environmentally devastating.

The law would make it a crime to knowingly and willfully transport aboard any vessel an explosive, biological agent, chemical weapon, or radiological or nuclear materials, knowing that the item is intended to be used to commit a terrorist act. Any violation of this provision would be punishable by a fine and/or a term of imprisonment up to life; if death results, the offense could be punished by a sentence

of death. It would also make it a crime to knowingly and willfully transport aboard any vessel any person who intends to commit, or is avoiding apprehension after having committed, a terrorist act.

The law creates a set of crimes involving attacks on sea vessels. Modeled upon the existing criminal sanctions for destruction or interference with aircraft or aircraft facilities, updating them in the maritime area to harmonize them with coverage in the aviation context. Specifically, this section would make it a crime to: One, damage or destroy a vessel or its parts, a maritime facility, or any apparatus used to store, load or unload cargo and passengers; two, perform an act of violence against or incapacitate any individual on a vessel or at or near a facility; or three, knowingly communicate false information that endangers the safety of a vessel.

The law would also subject any individual who knowingly conveys false information about the offenses described above, or other named offenses, to a civil penalty up to \$5,000. In addition, an individual who willfully and maliciously or recklessly conveys false information would be punishable by a fine and/or imprisonment for a maximum term of 5 years.

The law would amend the U.S. Code to prohibit the carrying of a dangerous weapon, including a firearm or explosive, at a seaport or on board a vessel. Any violation of this section, and conspiracies, would be punishable by a fine and/or imprisonment for a maximum term of 10 years; an individual who willfully or recklessly violates this section would be punishable by a fine and/or imprisonment for a maximum term of 15 years; if death results, the offense would be punishable by a term of imprisonment up to life. According to the Interagency Commission Report, "[a]t many seaports, the carrying of firearms is not restricted, and thus internal conspirators and other criminals are allowed armed access to cargo vessels and cruise line terminals."

The bill expands the scope of section 659 of title 18, theft of interstate or foreign shipments, to include theft of goods from additional transportation facilities or instruments, including trailers, cargo containers, and warehouses. In addition, it would increase the maximum term of imprisonment for low-level thefts from 1 year to 3 years and clarify that the determination of whether goods are "moving as an interstate or foreign shipment" is made by considering the entire cargo route, regardless of any temporary stop between the point of origin and final destination.

In addition to making changes to the criminal law, the bill creates mechanisms to permit the government to efficiently acquire data necessary to target scarce enforcement resources. Recognizing that cargo theft is not only a significant economic problem in its own right, but an indicator of porous

security, and thus of terrorist vulnerability, the law creates meaningful reporting requirements.

This bill would require the Attorney General to one, mandate the reporting of cargo theft offenses; and two, create a database containing the reported information, which would be appropriately integrated with other agencies' information-collection efforts and made available to governmental officials. Despite the fact that cargo theft is a well-known problem, there exists no national data collection and reporting systems that capture the magnitude of serious crime at seaports.

The bill increases the penalties for noncompliance with certain manifest reporting and record-keeping requirements, including information regarding the content of cargo containers and the country from which the shipments originated. The effectiveness of Federal, State and local efforts to secure ports is compromised by criminals' ability to evade detection by under-reporting and misreporting the content of cargo—with little more than a slap on the wrist, if that. The existing statutes simply do not provide adequate sanctions to deter criminal or civil violations. As a consequence, vessel manifest information is often wrong or incomplete—and our ability to assess risks, make decisions about which containers to inspect more closely, or simply control the movement of cargo is made virtually impossible.

Our Nation's ports represent a critical vulnerability point in our Nation's defenses. It is critical that we take steps to reduce this vulnerability, develop defenses, and, unfortunately, plan for mitigation should there be an attack. There is much to do, including providing additional funding. This bill addresses one aspect of the problem by improving and adding to the criminal justice tools which can protect our ports. It is a relatively narrow bill, with a precise focus on the problem at hand.

I urge my colleagues to join in supporting this much-needed improvement to our law.

MILK INCOME LOSS CONTRACT EXTENSION BILL

Mr. COLEMAN. Mr. President, Senator TALENT asked me on the date of introduction, February 3, 2005, to be a cosponsor of S. 273. Unfortunately, by the time we got the message to the floor that day, the Senate had adjourned.

Senator TALENT is not only a great friend of mine, but a great friend of America's farmers and ranchers, including our dairy farm families. He is a valuable member of the Senate Agriculture, Nutrition, and Forestry Committee, a cochairman with me of the Senate Biofuels Caucus. We work very closely on issues of importance to our farm families.

I am pleased that Senator TALENT and I will be working together to ex-

tend MILC, legislation extremely important to Missouri and Minnesota dairy farmers and dairy farmers across our country.

TRIBUTE TO THE LATE FREDERICK DOUGLASS

Mr. INOUE. Mr. President, on February 14, 2005, one of our greatest Americans, Frederick Douglass, was honored at a celebration at the historic Ford's Theatre that was sponsored by the Caring Institute and the National Park Service. These two organizations play major roles in ensuring that the life and legacy of Mr. Douglass are not forgotten—the Institute through its establishment of The Frederick Douglass Museum and the Hall of Fame for Caring Americans on Capitol Hill, and the National Park Service through its management of the Frederick Douglass National Historic Site at Cedar Hill in Anacostia. As you know, Cedar Hill was his home in Washington, DC.

Frederick Douglass was one of the most important intellectual voices in American life in the 19th century. He was a forceful and persuasive writer and orator against slavery and for equal rights for African-Americans. His experiences as a slave were central to exposing the injustices of slavery. His first autobiographical work, *Narrative of the Life of Frederick Douglass*, was published in 1845 when he was a runaway slave. His second autobiography, *My Bondage and My Freedom*, was published in 1855, 9 years after friends and supporters in Great Britain bought his freedom. He frequently lectured about his experiences as a slave, and on what freedom meant to him.

During the Civil War, Douglass served as a recruiter of African-American soldiers for the North, and several times discussed with President Lincoln the problems of slavery. In the early 1870s, Douglass moved from Rochester, NY, where he had established the anti-slavery newspaper, the *North Star*, to Washington, DC, where he served as the District's Marshal, 1877–1881, and Recorder of Deeds, 1881–1886. Douglass later served our Nation as Minister to Haiti, 1889–1891.

Even when he was serving in governmental capacities, Douglass continued to deliver speeches on the meaning of abolition and emancipation. Just as he fought for the rights of African-Americans, he also worked to expand women's rights. On the day he died, February 20, 1895, he had attended a women's suffrage meeting.

Mr. President, I ask my colleagues to join me in paying tribute to one of our greatest Americans, Frederick Douglass. He would have celebrated his 187th birthday this month.

THE LIFE OF PATRICK OKURA

Mr. INOUE. Mr. President, Patrick Okura was an extraordinary man who contributed much to our Nation, the Asian American community, and the

fields of mental health and psychology. I was privileged to have him as a great friend and mentor. During my life in the Nation's Capital, Pat was always ready to help and advise me.

At Pat's memorial service on February 11, 2005, at Bradley Hills Presbyterian Church in Bethesda, MD, the Honorable Norman Y. Mineta, U.S. Secretary of Transportation, spoke of Pat and his remarkable life that had an enormous and positive impact on many.

I ask unanimous consent that Secretary Mineta's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We are here today to celebrate the life of an extraordinary man one of the great leaders of our community, of our great nation, and a valued and trusted friend.

It is almost impossible to count the number of contributions that Kiyoshi Patrick Okura made to all of us.

His national presidency of the Japanese American Citizens League came during one of the most critical periods of the civil rights movement, and his active involvement in the JACL throughout its history helped win unprecedented victories for our community.

His advocacy on behalf of mental health was a passion that continued through his service as the staff psychologist for Father Flanagan's Boy's Town, his work at the National Institute of Mental Health, his founding of the National Asian Pacific American Families Against Substance Abuse, and the work that he and Lily have done together at the Okura Mental Health Foundation.

But most important of all, Pat had a passion to help others whether through his profession as a psychologist or through his endless personal drive to develop leaders for our community.

As a mentor, a friend, a guide and a counselor, he was second to none. I had the good fortune of knowing Pat for over 50 years and he was all of those things to me throughout my life and career.

There are so many of us here today who would not have achieved the successes we have without the foundation of opportunity that he laid for all of us, or without the support and the encouragement that he provided every day.

Lily, Deni's heart and my heart go out to you today. Pat's loss is a bitter blow to all of us.

But his life, and the things he achieved for all of us, will live forever as a testament to a life well-lived."

IN RECOGNITION OF STU AND BETHEL DOPF

Mr. CRAIG. Mr. President, I speak about some people who, through the way they lived their lives, have been very important, not only to me, but to their entire community. I am talking about Stu and Bethel Dopf of Cambridge, ID.

Stu Dopf passed away in 2001, and just recently, on January 17, 2005, he was joined in Heaven by his wife of 63 years. When I read of Mrs. Dopf's passing, fond memories flooded my mind from my time growing up in Washington County, where Cambridge is located. I have only good things to remember about Mr. and Mrs. Dopf and